

EX PARTE OR LATE FILED

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AUG 3 1995

August 3, 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

EX PARTE PRESENTATION

William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: **IB Docket No. 95-41; Regulatory Policies Governing
Domestic Fixed Satellites And Separate Interna-
tional Systems - EX PARTE**

Dear Mr. Caton:

On August 2, 1995, Fritz E. Attaway, Senior Vice-President, Government Relations, Motion Picture Association of America, Inc., Michael D. Berg, Verner Liipfert Bernhard, McPherson & Hand, counsel for MPPA, and myself, counsel for Capital Cities/ABC, Inc., met with Scott Harris, Chief, International Bureau, and John Coles, Karl Kensinger, and Virginia Marshall, attorneys in the International Bureau, to discuss the positions of Capital Cities/ABC, Inc. and the Motion Picture Association of America, Inc. reflected in their comments and reply comments filed in this proceeding. In addition to a discussion of views expressed in these comments and reply comments, the attached document concerning examples of FCC reliance on self-certification and representations to foster compliance with regulatory objectives was discussed.

The original and a copy of this ex parte notice with the attachment are being filed. Because the meeting ended late in the day on August 2, precluding filing on that day, this notice is being filed the next day.

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William F. Caton, Secretary
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Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Randolph J. May". The signature is written in dark ink and is positioned above the printed name.

Randolph J. May

Enclosure

cc: Scott Harris, Chief, International Bureau
John Coles, International Bureau
Karl Kensinger, International Bureau
Virginia Marshall, International Bureau

**EXAMPLES OF FCC RELIANCE ON SELF-CERTIFICATIONS
AND REPRESENTATIONS TO FOSTER COMPLIANCE WITH
REGULATORY OBJECTIVES**

1. To avoid the special access surcharge, private line users must certify to the local exchange carrier that their lines are not connected to a PBX or other device capable of interconnecting a local exchange subscriber line with a private line or WATS access line. 47 C.F.R. § 69.115(e)(6).
2. An end user of separate satellite system circuits is required to file with the FCC a certification that it will not interconnect separate system circuits with the public switched telephone network. All contracts between service providers and such customers and all tariffs must as a precondition to the provision of service require the customer to provide evidence that the certification has been submitted to the Commission. The Commission said that it expected separate system providers to use their best efforts to ensure compliance with the "no-interconnect" restriction through the certification requirement and other means, such as contractual and tariff provisions for inspections and monitoring procedures. Establishment of Satellite Systems Providing International Communications, 101 F.C.C. 2d 1046, 1112-13 (1985).
3. Part 90 eligible users who want to share non-SMR Private Land Mobile Radio Service licensed facilities above 800 MHz must execute a contract with the licensee that the costs of service are to be shared on a non-profit basis. 47 C.F.R. § 90.179(d).
4. An SMR licensee must obtain sufficient information from prospective customers so that the SMR licensee may certify to the Commission that no person not eligible to use the SMR facilities will be offered service. 47 C.F.R. § 90.607(a)(2).
5. Applicants for satellite earth station licenses must certify that construction of the proposed antenna will not have an adverse environmental impact, 47 C.F.R. § 1.1307, and that FAA approval is not needed because the proposed antenna will be shielded by existing natural or manmade structures, 47 C.F.R. § 17.14.

6. New licensees of most services must certify that construction and/or operation of the licensed facilities has been completed on a timely basis. See, e.g., 47 C.F.R. § 90.631(e) and (f) (SMR stations); 47 C.F.R. § 25.133 (satellite earth stations).
7. Importers of RF equipment subject to verification must obtain a written statement from the manufacturer that the equipment complies with the appropriate technical standards. 47 C.F.R. § 2.953(b).
8. All applicants for all FCC licenses and other "instruments of authorization" (such as construction permits, special temporary authority and renewal of license) must certify that they are not subject to denial of federal benefits under the anti-drug laws. 47 C.F.R. § 1.2002.
9. Broadcast applicants must certify, or detail their inability to certify, that no adverse finding has been made or final action taken with respect to the applicant or parties to the application, in a civil or criminal proceeding, relating to any felony; mass media related antitrust or unfair competition matter; fraudulent statements to another government unit; or discrimination.
10. Broadcast applicants must certify whether grant of their applications would have a significant environmental impact, including, but not limited to, exposure of workers or the public to levels of RF radiation exceeding the health and safety guidelines of the American National Standards Institute. 47 C.F.R. § 1.1307(b).
11. In establishing their legal qualifications, limited partnership applicants for broadcast authorizations need not consider limited partners as "parties to the application," and need not disclose information about them, "if the limited partners are not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the applicant so certifies . . ." 47 C.F.R. § 73.3555(g)(1).